

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, July 7, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston, Tim Potts and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Potts, second by Waterland and carried with all members present voting yes to approve the agenda.

Announcements:

- Congratulations to Hersruds for receiving the South Dakota Auto Dealer of the Year.
- Congratulations to Danny Hayes, a Paramedic with the Sturgis Ambulance that was recently recognized by the Board of Directors of the National Registry of Emergency Medical Technicians (NREMT) for achieving 20 consecutive years as a Nationally Registered EMT. This distinction is an honor held by few EMTs.
- Mayor Carstensen wanted to thank the Volunteer Firemen for the great fireworks display.
- A reminder to all citizens that if you shot off fireworks you are responsible in cleaning up the mess.
- Department of Transportation will be turning Lazelle Street back to a five lane highway the week of July 14th.

City Manager Ainslie reported:

- Sales tax update for the end of June-General Sales Tax and Capital Improvement Tax was down 25.2% for the month and the Gross Receipts Tax (triple B) was down 18.8% for the month. Year to date General Sales Tax and Capital Improvement Tax were down 6.9% and the Gross Receipts Tax (triple B) was up 5.2%.
- The 2015 proposed budget presentation was given to the Council. This presentation will be on the City website and the entire budget will be placed on the website on July 14th. First reading of the budget will be August 18th, with second reading on September 2nd, 2014.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve the following items on the consent calendar with the removal of E and changing D to \$415,000:

- a. Approve the minutes from the June 16, 2014 regular Council meeting and minutes from the June 23rd Special Council meeting.
- b. Approve setting a public hearing for July 21, 2014 for a Use on Review for Laurel Gann, 2213 Pipestone Drive, to approve a dog grooming business.
- c. Approve setting a public hearing for July 21, 2014 for a Zoning Variance for Jeffrey Shipley, 1611 Spruce St, to approve side yard setbacks.
- d. Approve the loan from the Economic Development Revolving Loan Fund to the Wastewater Fund for ~~\$400,000~~ \$415,000 at 20 years at 1% interest for the repairs to the pond at the lagoon.
- e. ~~Approve Use of City Property for the Sturgis Buffalo Run OMA National race to be held on July 25-27 2014.~~
- f. Approve setting a public hearing for July 21, 2014 for street closure for the "The 10th Annual Fulton Street Bash to be held on August 2, 2014.

- g. Approve setting a public hearing for July 21, 2014 for street closure of a portion of South Baldwin Street for special event and motorsports exhibit venue to promote the metric industry for SEDC. The dates of the event would be July 31, 2014-August 10, 2014.
- h. Approve setting a public hearing for July 21, 2014 for a Special Events license for the Knuckle Saloon for a special event and motorsports exhibit venue to promote metric industry companies July 31st through August 10th.

Motion by Johnston, second by Waterland and carried with Anderson, Bachand, Bestgen, Johnston, Hersrud, Potts and Waterland voting yes, Carstensen abstaining, to approve the following claims with the exception of: **Liquor** - Johnston Hardware, \$38.62, supp; **Wages** – Ambulance \$29,479.96; Attorney \$2935.10; Buildings \$814.40; Cemetery \$3699.21; City Manager \$4291.55; Community Center \$9651.16; Finance Office \$9146.80; Fire Department \$1699.99; Human Resource \$2208.94; Library \$8650.83; Liquor \$4805.05; Mayor and Council \$3391.63; Parks \$14,392.46; Planning & Permitting \$3642.70; Police \$32,160.87; Rally \$4986.12; Recreation \$3670.98; Sanitary Service \$12,384.73; Streets \$11,242.69; Wastewater \$7878.30; Water \$14,260.20; Federal Withholding \$17,436.45; FICA \$13,468.30. **Combined Cash Fund** – First Interstate Bank, \$3000.00, ATM cash. **General** – A&B Business, \$574.71, supp; Laurie Adkins, \$40.00, prof fee; Daniel Ainslie, \$22.10, travel; Amcon, \$343.03, merch for resale; American Legal Services, \$50.68, prof fee; Amick Sound, \$711.23, repair; Animal Health Int'l, \$30.37, prof fee; APWA, \$174.00, prof fee; Avaya, \$36.39, util; Avtech, \$120.00, util; Baker & Taylor, \$532.27, supp; Elton Barden, \$220.00, prof fee; Twyla Barden, \$300.00, travel; Greg Barnier, \$396.48, travel; Baseline Surveying, \$380.00, prof fee; Bryan Beaulieu, \$60.00, prof fee; Geoff Best, \$75.00, refund brick; BH Chemical, \$1180.62, supp; BH Pioneer, \$141.51, supp; BH Power, \$3143.66, util; BH Power Equipment, \$68.97, repair; Buckle Tree, \$3482.87, shirts; Jerry Burnham, \$2500.00, prof fee; Butte Electric, \$481.52, util; Mark Carstensen, \$225.00, other gen gov't; Caselle, \$527.99, prof fee; CBH, \$11,455.86, supp; Cedar Shore Resort, \$664.65, travel; Century Business, \$136.94, supp; Chain Saw Center, \$401.33, repair; City of Sturgis Water Dept, \$3556.72, util; Corbon Shooting Complex, \$17.44, supp; Dan Davidson, \$42.38, supp; Demco, \$183.99, supp; Dot.krom, \$2025.00, publ; Double Star Computing, \$420.00, prof fee; Epic Outdoor Advertising, \$1100.00, rental-rally; First Western Insurance, \$825.00, insur; Foothills Seed, \$58.00, supp; Patty Fox, \$59.36, refund; G&G Enterprises, \$93.75, merch for resale; Great Western Tire Co, \$686.56, supp; Darrel Hatzenbuhler, \$17.64, other; KT Connections, \$2116.32, prof fee; Legends Sales, \$4500.00, prof fee; Anthony Lepore, \$2025.00, prof fee; Light & Siren, \$544.80, repair; LPN Holdings, \$3297.99, supp; Autumn Lyons, \$500.00, grp insur; Marls, \$160.00, prof fee; MB Tree & Landscape, \$750.00, other; Meade Co Auditor, \$6776.57, maint; Neve's Uniforms, \$89.94, supp; Newman Traffic Signs, \$292.09, supp; Northwest Pipe Fittings, \$537.50, supp; Octagon Marketing, \$560.00, vendor license refund; Pete Lien & Sons, \$463.25, supp; Pitney Bowes, \$361.68, rent; Pizza Hut, \$24.25, supp; Polar Engraving, \$97.50, merch for resale; Private Spring Water, \$530.40, merch for resale; Public Safety Equip, \$1663.86, supp; Purchase Power, \$900.00, supp; Rapid Delivery, \$11.40, repair; Rapid Fire Protection, \$150.00, repair; Rasmussen Mechanical Services, \$457.12, repair; James Rayson, \$120.00, prof fee; Road Runner Brochure Distribution, \$1352.00, supp; Robert Sharp & Assoc, \$705.00, publ-rally; Rockingtree Floral, \$594.85, supp; Rockingtree Landscape, \$98.05, maint; Rushmore Office, \$141.70, supp; Rushmore Safety Supplies, \$107.30, supp; S&C Cleaining, \$3100.00, maint; Sacrison Asphalt, \$625.20, supp; Sand Creek Printing, \$599.66, supp; Dr. Gene Schneider, \$1200.00, rental-rally; Schwans, \$109.41, merch for resale; SD Dare Officers Assn, \$50.00, other; SD Municipal League, \$50.00, travel; SD Public Assurance Alliance, \$103.77, insur; SD Wildlife Federation, \$20.00, supp; Signs Now, \$772.20, supp; Dave Smith, \$500.00, grp insur; Speedy Lube, \$34.31, repair; Sturgis Volunteer Fire Dept, \$600.00, supp; Tip's Lawn Care, \$2300.00, other; Tom's T's, \$82.73, repair; Trugreen, \$256.75, supp; Twilight First Aid, \$195.95, supp; USA Pro Supermoto,

\$1350.00, supp; Tim Vasknetz, \$3000.00, travel-rally; Verizon, \$1817.67, util; West River Electric, \$459.69, util; Wow! Business, \$2505.38, util; Ziegler Building, \$15.60, repair; Zylstra Body, \$3597.14, repair.

Special Sales Tax – Chamber of Commerce, \$21,250.00, city promo; Sturgis Economic Development Corp, \$7541.67, ind dev.

Capital Improvement – American Technical Services, \$8575.00, Sly Hill; Brosz Engineering, \$11,807.50, Middle St; Free Motion Fitness, \$15,977.50, bldg; Kadrmas, Lee & Jackson, \$3500.00, bldg; Sherwin-Williams, \$3679.01, impr; Sturgis Economic Dev Corp, \$1500.00, impr; Western Truck \$5972.00, equip.

Revolving Fund Loan – Brosz Engineering, \$1825.00, other; Cetec, \$397.00, other; Douglas Derby, \$25,000.00, other; Knuckle Saloon, \$25,000.00, other.

Liquor – Amcon, \$882.73, cig for resale; BH Asphalt, \$4874.57, cap imp; BH Rally & Gold, \$2079.50, merch for resale; Cask & Cork, \$65.00, off sale liquor; CBH, \$15.00, repair; Century Business, \$1.30, supp; City of Sturgis Water Dept, \$285.91, util; Eagle Sales, \$8960.49, off sale beer; Johnson Western Wholesale, \$11,883.22, off sale liquor; North Co Business Product, \$1391.54, prof fee; Okoboji Wines, \$1234.50, off sale liquor; Prairie Berry, \$852.00, off sale liquor; Private Spring Water, \$1831.60, merch for resale; Schade Vineyard, \$120.00, off sale liquor; Verizon, \$53.57, util; Wow! Business, \$149.14.

Water – American Water Works, \$295.00, prof fee; BH Power, \$8652.53, util; Butte Electric, \$1479.55, util; Campbell Supply, \$40.87, supp; Caselle, \$382.34, prof fee; CBH, \$81.18, supp; Century Business, \$28.68, supp; Cetec, \$543.10, prof fee; City of Sturgis Water Dept, \$125.20, util; Credit Collections Bureau, \$34.64, prof fee; G&H Distributing, \$99.00, supp; Hawkins, \$45.00, supp; HD Supply Waterworks, \$1904.02, supp; Hills Materials, \$119.12, supp; KT Connections, \$347.44, prof fee; LPN Holdings, \$302.18, Midcontinent Testing Lab, \$138.00, prof fee; Northern Hills Electric, \$117.30, supp; Northwest Pipe Fittings, \$1409.30, supp; Pete Lien & Sons, \$127.25, supp; SD One Call, \$89.91, prof fee; Servall Towel, \$11.86, supp; Shopko, \$41.15, supp; Sturgis Napa, \$17.02, supp; The Victorian Inn, \$115.34, travel; Verizon, \$621.56, supp; Wow! Business, \$131.82, util.

Wastewater – American Engineering Testing, \$1411.15, prof fee; BH Power, \$3948.32, util; Cetec, \$1442.00, cap imp; City of Belle Fourche, \$64.66, other; City of Sturgis Water Dept, \$21.48, util; Energy Lab, \$1625.00, prof fee; Flexible Pipe Tool Co, \$125.50, repair; Frontier Precision, \$259.00, repair; G&H Distributing, \$129.87, supp; J&D Precast, \$660.00, repair; KT Connections, \$694.88, prof fee; Sand Creek Printing, \$81.17, supp; Verizon, \$154.95, util.

Sanitary Service – BH Power, \$249.94, util; CBH, \$3182.94, supp; Cedar Shore Resort, \$339.80, travel; Century Business Leasing, \$193.58, prof fee; Century Business Products, \$86.61, prof fee; Century Link, \$54.49, util; City of Belle Fourche, \$20,676.07, other; KT Connections, \$126.19, prof fee; Sand Creek Printing, \$81.17, supp; Verizon, \$82.27, util.

Ambulance – A&B Business, \$358.06, supp; Best Buy, \$2439.96, supp; BH Power, \$612.98, util; Buckle Tree, \$9924.68, supp; CBH, \$25.00, supp; City of Sturgis Water Dept, \$71.61, util; Dale's Tire, \$228.68, supp; Double Star Computing, \$60.00, prof fee; Emergency Medical Products, \$174.10, supp; Flowers by Rose, \$17.00, supp; Jones & Bartlett Learning, \$3899.98, travel; KT Connections, \$126.19, prof fee; Kreisers, \$158.44, supp; Moore Medical, \$412.10, supp; Physio-Control, \$237.30, supp; Rawlings Financial Service, \$1196.08, refund; Regional Health, \$251.62, supp; Shopko, \$39.98, supp; Spearfish Ambulance, \$12.00, travel; Speedy Lube, \$160.05, supp; Verizon, \$769.27, util; Wow! Business, \$175.45.

Motion by Hersrud, second by Potts and carried with Carstensen, Anderson, Bachand, Bestgen, Hersrud, Potts and Waterland voting yes, Johnston abstaining, to approve the following claim:

Liquor - Johnston Hardware, \$38.62, supp.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve a Special Events Liquor License for the Knuckle Saloon at the City of Riders Motorcycle

Expo during the Sturgis Motorcycle Rally on August 1, 5, 7, and 13, 2014 and the Liquor Store parking lot July 31st through August 10th.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve the following payroll changes: **Library** – Library Tech Aide – part-time – Leith Simonson- \$8.00. **Ambulance** – EMR – Brody Jorensen and - \$10.00 (\$8.00 while on orientation); EMT-B- Brittani Herman \$12.00 (\$10.00 while on orientation) **Fire** – Rally – Tom Trigg-Chief - \$15.00; Scott Lensgrav and Shawn Barrows – Assistant Chiefs - \$15.00; TBD – Temporary Fire Fighters - \$12.00. **Police** – Temporary Rally Patrol Officers; Security; Support Staff – see attached.

Planning and Permitting – Vendor Inspector – Janis Mathis-Anderson-\$10.00; Jennifer Parrow – Tattoo Inspector- \$12.50. **Rally** – Photo Tower-West-Marilyn Mendenhall - \$8.00.

Community Center – Lifeguard – Eryn Zook, Delaney Voight and Alexis Iverson- \$7.25. Rally – Towel Attendant/Front Desk – Shirley Bierle - \$8.75. **Liquor Store** – Sales Clerk – Michael Holzer, Samantha Wilcox and Michelle - \$8.00 and \$10.00 for Rally. Stocker – Andrew Bresslerm and Spencer Moody - \$8.00. Stocker/Parking Lot Attendant – Griffin Davies - \$8.00; Rick Holtman - \$8.00.

Motion by Potts, second by Johnston and carried with Carstensen, Anderson, Bachand, Bestgen, Hersrud, Johnston and Potts voting yes, Waterland abstaining, to approve use of City Property which includes the Parks Department labor prior to the White Plate Flat Trackers event at the Fairgrounds and installing an electrical box, contingent that the electrical work does not cost more than \$1000.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to approve second reading of Ordinance 2014-10 – Title 32 – Animals.

ORDINANCE 2014-10

AN ORDINANCE AMENDING TITLE 32– ANIMALS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 32 Animals –Chapter 32.04 – General Provisions, Sections: 32.04.01: Definition of a Vicious Animal; 32.04.02: Declaration of a Vicious Animal; 32.04.03: Violations of this Ordinance; 32.04.04 – 32.04.15 Deleted is amended to read as follows:

TITLE 32

ANIMALS

Chapters:

- 32.01: General Provisions
- 32.02: Miscellaneous
- 32.03: Dogs and Cats
- 32.04: Vicious Animals

Chapter 32.01

GENERAL PROVISIONS

32.01.02: DEFINITIONS

VICIOUS ANIMAL: An animal that has killed a human being or has inflicted injury on a human being that required medical treatment, or has killed or seriously injured a domestic animal without provocation, except for the following:

- a. An animal that was provoked
- b. An animal that was acting to protect persons or property, or
- c. An animal that injured or killed a person who was trespassing.

Chapter 32.04 VICIOUS ANIMAL

SECTIONS:

- 32.04.01: Definition of a Vicious Animal
- 32.04.02: Declaration of a Vicious Animal
- 32.04.03: Violations of this Ordinance

32.04.01: DEFINITION OF A VICIOUS ANIMAL

An animal may be declared to be vicious by the chief of police under the following guidelines:

- A. Upon written request of the victim or the attending physician of the victim of an animal bite or serious scratch.
- B. Upon receipt of an officer report or credible written witness statement describing an animal which in a vicious or terrorizing manner approaches a person or another animal in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places within the City.
- C. No animal may be declared vicious if the injury or damage is sustained by any person who is committing or attempting to commit a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal, or who was committing or attempting to commit a crime.

32.04.02: DECLARATION OF A VICIOUS ANIMAL

When the chief of police, after researching the matter thoroughly, signs a Declaration of Vicious Animal, the Declaration shall be filed with the City Finance Office and the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a vicious animal within 24 hours after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.

The owner of an animal that has been declared vicious shall make application to the animal control office to register the vicious animal and shall comply with the following:

- A. The owner of the animal shall notify animal services if:
 - i. Changes in ownership of the animal;
 - ii. Name, address and telephone number of a new owner;
 - iii. Address change of the owner or any change in where the animal is housed;
 - iv. Any change in the health status of the animal;
 - v. Death of the animal.
- B. If the animal is outdoors, attended, and off the owners property, the animal shall be muzzled on a leash no longer than six feet and under the control of a person over 18 years of age;

- C. If the animal is outdoors and unattended, the animal must be locked in an escape-proof area approved by animal services. Minimum area standards shall include the following:
 - i. Fencing materials shall not have openings with a diameter of more than two inches. In the case of a wooden fence, the gaps shall not be more than two inches.
 - ii. Any gates within the pen or structure shall be lockable and of a design to prevent the entry of children or the escape of the animal.
 - iii. The required pen or structure shall have secure sides and may need a secure top if determined by animal services. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - iv. The pen or structure shall protect the animal from the elements.
 - v. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
- D. The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the microchip are to be reported to animal control staff and the Sturgis Police Department.
- E. A universal sign denoting a vicious animal shall be displayed on the area or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.
- F. The owner shall carry \$100,000 animal liability insurance covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Proof of insurance shall be filed with animal control staff and the Sturgis Police Department.
- G. The owner shall present proof of current rabies vaccination and current city license of the animal to animal services.
- H. The owner shall present proof the animal has been altered to prevent reproduction to animal control staff and the Sturgis Police Department.

32.04.03: VIOLATIONS OF THIS CHAPTER

If the conditions the ordinance are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with animal control.

Any vicious animal not in compliance with this Chapter may be seized by the animal control officer or any police officer and impounded. If the animal cannot be captured, it may be destroyed. If the animal has been running at large, or bites a person, or bites another animal, the animal control officer or any police officer may order the owner to deliver the animal to the animal shelter immediately and the owner ordered to appear in court to show just cause to why this animal shall not be destroyed. If the owner fails to deliver the animal as ordered, the animal services officer or any police officer shall use those means as are necessary to impound the animal. If a vicious animal is impounded, all costs of keeping and caring for the animal while impounded, in excess of the normal daily charge, shall be at the owner's expense and shall be paid before the animal may be released to the owner.

If the registered owner of the animal refuses to comply with the conditions of this ordinance the animal may be euthanized in a humane manner and proof of euthanasia filed with animal control staff, the Police Department and the City Finance Office.

Dated this 7th day of July, 2014

First reading: 06/16/14

Second reading: 07/07/14

Adopted: 07/07/14

Published: 7/16/14

Effective: 8/6/14

Motion by Johnston, second by Anderson and carried with all members present voting yes to approve first reading of Ordinance 2014-11 – Supplemental Appropriation Ordinance.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2014-35
A RESOLUTION DECLARING PROPERTY SURPLUS

Police:

- 1. (12) T-shirts**
- 2. (3) Hoodies**
- 3. (1) Skunk Hat**
- 4. (5) Rings**
- 5. Harley Wings**
- 6. Fender and Seat**
- 7. (3) sets sunglass cleaner**
- 8. Recover Seat**
- 9. Leather Jacket**

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described above is hereby declared surplus and to be disposed of as described by SDCL 23A-37-13 and 23A-37-10. It is being advisable and in the best interest of the City to sell/trade/dispose of such personal property.

Dated this 7th day of July 2014.

Published: 07-16-14

Effective: 08-06-14

Hersrud seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Potts, second by Waterland and carried with all members present voting yes to approve a Raffle for the Muscular Dystrophy Association to raffle a motorcycle.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve first reading of Ordinance 2014-12 – Title 17 – Water.

Motion by Waterland, second by Anderson and carried with Carstensen, Anderson, Bestgen, Johnston, Hersrud, Potts and Waterland voting yes, Bachand voting no, to approve a Use of City Property for the Sturgis Buffalo Run OMA National race to be held on July 25-27 2014 pending submission of a the insurance certificate. All items requested will be dropped off by the City crews and the event crew will be the ones responsible for placing them at the event not the City crew.

Any other business:

Councilor Waterland had a constituent contact him about a drainage issue.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to go into executive session for personnel and contracts at 7:51 pm.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to return to regular session at 9:55 pm.

Motion by Potts, second by Hersrud and carried with all members present voting yes to ratify the contract with Harley Davidson and to approve the contract with Chevy and the lease with SEDC.

Motion by Bestgen, seconded by Waterland and carried with all members present voting yes to adjourn the meeting at 9:56 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$